

FILED
 OCT 17 2019
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF MO
 ST. LOUIS

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MISSOURI
 EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON PETTY,

Defendant.

4:19CR878 JAR/NCC

MOTION FOR PRETRIAL DETENTION AND HEARING

The United States of America by and through its attorneys Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and James Redd, Assistant United States Attorney for said District, respectfully moves the Court to order that Defendant be detained pending trial, and further requests that a detention hearing be held three (3) days from the date of Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq. As and for its grounds, the United States of America states as follows:

1. Defendant is charged with three counts of possession with intent to distribute controlled substances in violation of 21 U.S.C. §841(a)(1), one count of possessing a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. §924(c)(1)(A), and one count of being a felon in possession of a firearm in violation of 18 U.S.C. §922(g)(1). Based on those charges, there is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because there is probable cause to believe Defendant committed a drug distribution offense for which the maximum term of imprisonment exceeds 10 years and also because Defendant has been charged with an offense under 18 U.S.C. §924(c). 18 U.S.C. §3142(e)(3)(A)–(B).

2. On April 18, 2019, according to St. Louis Metropolitan Police report number 19-17251,

Defendant was driving vehicle northbound on North Kingshighway when he rear-ended a vehicle that was stopped in front of the apartment complex located at 1610 North Kingshighway. When police responded to the scene of the accident, they were notified by a witness that Defendant had walked away from the accident he caused and that there was surveillance video showing precisely where Defendant walked. The officers reviewed the surveillance footage, which led them to the west gangway of 4960 Aldine. In that gangway, officers found a firearm, marijuana, methamphetamine, and cocaine base. Additional marijuana was found in Defendant's vehicle along with a digital scale. Defendant also had over \$2,000 cash on his person.

3. Defendant is a convicted felon. Defendant's criminal history includes multiple felony convictions for possession of a controlled substance, a felony conviction for unlawful use of a weapon, and a federal conviction for being a felon in possession of a firearm.¹ In addition to his felony convictions, Defendant has more than 20 arrests, including for assault in the third degree. Defendant's criminal history also includes revocations of probation and supervised release.

4. Pursuant to Title 18, United States Code, Section 3142(g), the weight of the evidence against Defendant, the Defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by Defendant's release warrant Defendant's detention pending trial. Relevant here is the fact that Defendant was detained pending trial in his last federal criminal case in which he was also charged with being a felon in possession of a firearm. *Petty*, No. 09-115 (E.D.Mo. filed Mar. 26, 2009), Doc. 12. And after pleading guilty to that charge and serving 14 months in federal prison, Defendant then violated multiple terms of his supervised release. *Petty*, No. 09-115 (E.D.Mo. filed July 18, 2011), Doc. 50 (supervised release revocation judgment). Defendant's violations included an arrest for being in possession of

¹ *U.S. v. Petty*, No. 09-115 (E.D.Mo. filed Aug. 8, 2009), Doc. 28 (judgment).

a controlled substance, testing positive for use of controlled substances, and absconding from halfway housing, among other violations. *Id.* at 1–2. For those reasons, together with Defendant’s serious criminal history, there exist circumstances to support Defendant’s detention pending trial in the interest of safety to the community.

5. There is also a serious risk that Defendant will flee. Defendant faces a serious charge in this action, and the investigation is still ongoing. Further, the repeated non-compliance with terms of court-ordered release further emphasize the risk of non-appearance in this matter if Defendant is not detained pending trial.

WHEREFORE, the United States requests this Court to order Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of Defendant’s initial appearance.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ James Redd
JAMES REDD, #66172MO
Assistant United States Attorney